

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Cr. No. 1:21-01510 KWR
)	
vs.)	
)	
CHRISTOPHER MARQUEZ,)	
)	
Defendant.)	

**NOTICE OF INTENT TO ADMIT EVIDENCE UNDER
FEDERAL RULE OF EVIDENCE 902¹**

The United States files this notice to admit evidence under Federal Rules of Evidence 803(8), 902(1), and 902(4). That is, the United States intends to admit the following self-authenticating evidence as a certified record: the tribal enrollment document for John Doe and the land status report for the address W. 304 Road Runner Drive, Ohkay Owingeh.

Under Federal Rule of Evidence 902(1), domestic public documents that contain the seal of any political subdivision within the United States and are also signed are self-authenticating *i.e.*, it requires no extrinsic evidence of authenticity to be admitted. Furthermore, Federal Rule of Evidence 902(4), entitled Certified Copies of Public Records, provides that copies of public record are similarly self-authenticating. Notably, hearsay exception Rule 803(11) requires no additional certification or testimony prior to its admission. *Compare* Fed. R. Evid. 803(6)(D).

In this matter, the United States has disclosed to Defendant a land status certification and a tribal certificate of enrollment. *See* Ex. 1 (“Signed Land Status Certification”) and Ex. 2 (“Marquez Certificate of Enrollment”). The Signed Land Status Certification prepared with a legal

¹ The United States notes that absent stipulations from Defendant additional notices under Federal Rules of Evidence 902 and 803(6) will be filed in the coming weeks. These additional notices will touch on Defendant’s military service as well as general jurisdictional matters.

duty to report, contains certain information regarding the address W. 304 Road Runner Drive, Ohkay Owingeh, Rio Arriba County, New Mexico, including verification that the address is within the boundaries of the tribe. The seal of the tribe is included on the header of the official certification and both the Governor of the tribe and the responsible person, Natural Resources Director Larry Phillips, sign the certification. A copy of this certification was previously provided in Bates number 239. Similarly, the Marquez Certificate of Enrollment contains the Public Enrollment records for the Defendant, notes his enrollment number with the tribe, notes his mother, notes his mother's enrollment number, contains the seal of the tribe on the document, along with the signature of the Governor for the tribe. A copy of this certification was previously provided in Bates number 144.

Accordingly, the United States provides notice that it will introduce this self-authenticating evidence at trial under Rules 803(8), 902(1), and 902(4).

Sincerely,

ALEXANDER M.M. UBALLEZ
United States Attorney

/s/ Electronically filed on MAY 10, 2024
MARK A. PROBASCO
Assistant United States Attorney

I HEREBY CERTIFY that on MAY 10, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will cause a copy of this filing to be sent to counsel for Defendant.

/s/
MARK A. PROBASCO
Assistant United States Attorney